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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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10 WARREN CHAN,

11 Plaintiff,

Case No. 2:10-CV-01317-KJD-PAL

12 v.

**ORDER**

13 PAN WESTERN CORP., *et al.*,

14 Defendants.

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16 Before the Court is the Report and Recommendation (#38) of Magistrate Judge Peggy A.  
17 Leen. Judge Leen recommended that default judgment be entered against Defendants Pan Western  
18 Corp., Mitchell Truman, and Charles Ring (collectively “Defendants”) if they failed to obtain new  
19 counsel by December 12, 2011.

20 On July 21, 2011, Judge Leen issued an Order (#34) granting attorney Matthew L. Johnson’s  
21 Motion to Withdraw as counsel of record for Defendants. Judge Leen gave Pan Western Corp. until  
22 August 22, 2011 to retain new counsel and Defendants Truman and Ring until August 22, 2011 to  
23 either obtain new counsel or inform the court of their intention to proceed *pro se*. Defendants did not  
24 comply with Judge Leen’s order and did not ask for any extensions.

25 On October 26, 2011 Judge Leen issued an Order to Show Cause (#37) directing Defendants  
26 to show cause in writing by November 7, 2011 why they had not complied with her order to retain

1 new counsel. Judge Leen warned that failure to comply with the order by entering an appearance in  
2 this case could result in entry of default judgment against them. Defendants failed to provide any  
3 explanation for their delay as ordered by the Court. Judge Leen issued her Report and  
4 Recommendation (#38) finding that the Defendants' actions were wilful, abusive, dilatory, and  
5 disruptive and recommending that default judgment be entered against Defendants if they failed to  
6 comply with her orders by entering an appearance by December 12, 2011. No objection to the  
7 Report and Recommendation has been filed.

8 The Docket reflects that Pan Western Corp still does not have counsel of record and  
9 Defendants Truman and Ring are not represented by counsel and have not given notice of their  
10 intention to proceed *pro se*. The Court has conducted a *de novo* review of the record in this  
11 case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court finds that the  
12 Report of Findings and Recommendation (#38) of the United States Magistrate Judge entered  
13 November 17, 2011, should be adopted and affirmed.

14 **IT IS HEREBY ORDERED** that Report of Findings and Recommendation (#38) of  
15 the United States Magistrate Judge entered November 17, 2011, is **ADOPTED** and  
16 **AFFIRMED**;

17 **IT IS FURTHER ORDERED** that default judgment is **ENTERED** against  
18 Defendants Pan Western Corp., Mitchell Truman, and Charles Ring.

19 DATED this 13<sup>th</sup> day of December 2011.

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24 Kent J. Dawson  
25 United States District Judge  
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